
By: **Delegates Bohanan, Bronrott, Pitkin, Frush, Howard, Moe, Hurson,
Franchot, and Hixson**

Introduced and read first time: February 28, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration - Access to Schools - Funding for Sidewalks**
3 **or Bicycle Pathways**

4 FOR the purpose of authorizing the State Highway Administration to provide funding
5 under certain circumstances to local governments to be used to construct certain
6 sidewalks or bicycle pathways that provide access to schools; requiring that a
7 transfer of funds under this Act be made in a certain manner; and generally
8 relating to funding for sidewalks or bicycle pathways that provide access to
9 schools.

10 BY repealing and reenacting, without amendments,
11 Article - Transportation
12 Section 8-630
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 2000 Supplement)

15 BY adding to
16 Article - Transportation
17 Section 8-630.1
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 2000 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Transportation**

23 8-630.

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) "Municipal corporation" has the meaning stated in Article 23A, § 9 of
26 the Code.

1 (3) "Urban highway" means a highway, other than an expressway, that
2 is:

- 3 (i) 1. Constructed with a curb and gutter and an enclosed type
4 storm drainage system;
- 5 2. Located in an urban area and on which is located a public
6 facility that creates appreciable pedestrian traffic along the highway from adjacent
7 areas;
- 8 3. Located within urban boundaries as defined by the U.S.
9 Census Bureau; or
- 10 4. Located within the boundaries of a municipal corporation;
11 and
- 12 (ii) Part of the State highway system.

13 (b) (1) Sidewalks shall be constructed at the time of construction or
14 reconstruction of an urban highway, or in response to the request of a local
15 government unless:

- 16 (i) The Administration determines that the cost or impacts of
17 constructing the sidewalks would be too great in relation to the need for them or their
18 probable use; or
- 19 (ii) The local government indicates that there is no need for
20 sidewalks.

21 (2) Sidewalks constructed under this section shall be consistent with
22 area master plans and transportation plans adopted by the local planning
23 commission.

24 (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as
25 part of a roadway construction or reconstruction project, the Administration shall
26 fund the sidewalk or bicycle pathway construction or reconstruction as a part of the
27 cost of the roadway project.

28 (2) Except as provided in paragraph (3) of this subsection, if sidewalks or
29 bicycle pathways are constructed or reconstructed in response to a request from a
30 local government and the adjacent roadway is not being concurrently constructed or
31 reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway
32 shall be shared equally between the State and local governments.

33 (3) If sidewalks or bicycle pathways within a designated neighborhood as
34 defined in Article 83B, §§ 4-202 and 4-203 of the Code are constructed or
35 reconstructed in response to a request from a local government and the adjacent
36 roadway is not being concurrently constructed or reconstructed, the cost to construct
37 or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.

1 (4) If sidewalks or bicycle pathways are being constructed or
2 reconstructed in response to a request from a local government and the adjacent
3 roadway is not being concurrently constructed or reconstructed, the local government
4 shall:

5 (i) Provide public notice and opportunities for community
6 involvement prior to the construction of a sidewalk or bicycle pathway project; and

7 (ii) Secure any necessary right-of-way that may be needed beyond
8 the right-of-way already owned by the State.

9 (5) (i) Except as provided in subparagraph (ii) of this paragraph, after
10 sidewalks and bicycle pathways are constructed under this section, they shall be
11 maintained and repaired by the political subdivision in which they are located.

12 (ii) Subject to approval and the availability of funds, the
13 Administration promptly shall reimburse a political subdivision for the preapproved
14 and documented costs incurred in reconstructing a segment of a sidewalk or bicycle
15 pathway that has deteriorated to the extent that repair is not practical or desirable
16 for public safety.

17 (d) The Administration may not construct any project that will result in the
18 severance or destruction of an existing major route for pedestrian transportation
19 traffic, unless the project provides for construction of a reasonable alternative route
20 or such a route already exists.

21 (e) The Administration shall develop guidelines jointly with local governments
22 to carry out the provisions of this section.

23 (f) The Administration shall maintain and repair all facilities for nighttime
24 illumination that:

25 (1) Are constructed by the Administration for the safe conduct of
26 vehicular traffic; and

27 (2) Exist adjacent to urban highways.

28 8-630.1.

29 (A) SUBJECT TO BUDGETARY APPROPRIATION, THE ADMINISTRATION MAY
30 PROVIDE FUNDING TO A LOCAL GOVERNMENT TO BE USED TO CONSTRUCT
31 SIDEWALKS OR BICYCLE PATHWAYS THAT ARE WITHIN ONE MILE OF A SCHOOL AND
32 THAT PROVIDE ACCESS TO THE SCHOOL, IF THE SCHOOL IS:

33 (1) BEING CONSTRUCTED OR RECONSTRUCTED UNDER THE
34 INTERAGENCY COMMITTEE ON PUBLIC SCHOOL CONSTRUCTION PROGRAM; AND

35 (2) LOCATED WITHIN AN AREA DESIGNATED AS A PRIORITY FUNDING
36 AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (B) THE TRANSFER OF ANY FUNDS UNDER THIS SECTION SHALL BE MADE BY
2 A GRANT UNDER § 2-103(I)(2) OF THIS ARTICLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2001.